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December 28, 2021

UNITED STATES DISTRICT COURT

1

SOUTHERN DISTRICT OF NEW YORK

----- X

ANTHONY RAPP and C.D.,

Civil Action No. 1:20-cv-09586(LAK)

Plaintiffs,

- against -

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

----- X

Zoom Deposition

December 28, 2021

10:05 a.m.

EXAMINATION BEFORE TRIAL of the
Non-Party Witness, JUSTIN DAWES, pursuant to Notice,
held on the above date and time, via
videoconference, taken by and before KRYSTINA
KORNAK FLORA, RPR, a Notary Public within and for
the State of New York.

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2 Bennigan's for approximately 90 minutes. During
3 that time, did you have any conversations with
4 Mr. Spacey?

5 A. Nothing that I recall. I mean, we
6 chatted briefly, but I mean, I don't really recall
7 the specifics of the conversation.

8 Q. Did there come a point in time that you
9 left the Bennigan's to go somewhere else?

10 A. Yes.

11 Q. And where is it that you went?

12 A. My friend and I went to Kevin's
13 house -- after that Kevin Spacey's house. During
14 the conversation, the movie Chinatown had come up,
15 and Kevin said that he was having a little party at
16 his house and we could watch the movie Chinatown.

17 Q. Did you go?

18 A. I did.

19 Q. Mr. Dawes, before we go further, I want
20 to back up and ask you some questions about your
21 background, your education, and your work. What is
22 your date of birth?

23 A. My date of birth is October 5, 1972.

24 Q. Where were you born?

25 A. I was born in Utica, New York.

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2 there would be interesting people, interesting
3 conversation. I thought we might watch Chinatown.

4 Q. Why did you think there were going to
5 be interesting people there?

6 A. Because I guess when I heard that there
7 was going to be a little party I -- you know, I
8 thought my idea of a party would be, you know,
9 eight, ten people. Something like that.

10 Q. How is it that you got to Mr. Spacey's
11 home?

12 A. I drove with my friend in his car.

13 Q. Was anyone else in the car with you?

14 A. Just my friend and myself.

15 Q. Where was Mr. Spacey's home?

16 A. It was somewhere in New Haven,
17 Connecticut. I believe it was kind of a short-term
18 rental for the run of the play. I don't really know
19 the geography of New Haven, so I can't give you any
20 more specifics than that.

21 Q. When, if ever, had you been to
22 Mr. Spacey's house prior to that night?

23 A. I had not.

24 Q. Describe the home?

25 A. It was dark, so I can't say much about

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2 the exterior. I can say, I think we went up a short

3 flight of steps and there was a wooden front porch.

4 We entered, there was like a small entry foyer, then

5 there was a living room. In the living room there

6 was a couch on the right side, there was a couple of

7 chairs; on the left side there was, I believe, a

8 staircase that went up; and then on the right side

9 of that living room I believe there was a dining

0 room area, and behind there was a kitchen. I

1 don't -- I never -- I was not in the kitchen. I

2 just was aware that it was there.

13 Q. When you walked into Mr. Spacey's home
14 who was with you?

15 | A. Just my friend.

16 Q. When you walked in what, if anything,
17 did you expect to see?

18 A. I -- you know, I thought it might seem
19 like a small gathering or a party. That's -- that
20 was not the case when we got there, and I thought,
21 oh, I guess maybe we're the first people to arrive
22 to this party.

23 Q. So when you did arrive and you walked
24 in, tell us what it was that you saw?

25 | A. There was no one there, and towards the

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2 back of the living room area there was a rather
3 small TV. It was playing gay pornography.

4 Q. Was Mr. Spacey there?

5 A. He was.

6 Q. When you walked in what, if anything,
7 did Mr. Spacey do?

8 A. Standard, you know, casual greeting;
9 asked us if we'd like something to drink.

10 Q. When he asked if you wanted something
11 to drink, what did you say?

12 A. I said, "Sure."

13 Q. Did you have a drink?

14 A. I did.

15 Q. Tell us what drink you had?

16 A. I don't know. It was a mix drink of
17 liquor and a mixer. I don't know what it was. It
18 was like a mixed drink with ice and alcohol and a
19 mixer in a rocks glass.

20 Q. Who made the drink for you?

21 A. Kevin made drinks for my friend,
22 myself, and him.

23 Q. Who gave you the drink?

24 A. Kevin did.

25 Q. For clarity, how old were you at this

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2 time?

3 A. I was 16.

4 Q. Did you have the drink?

5 A. I did.

6 Q. How many drinks did you have?

7 A. In total two, because at some point,
8 you know, probably after about 20, 25 minutes Kevin
9 went to refresh our drinks and my friend and I kind
10 of exchanged looks and, you know, he said, you know,
11 "I don't think this is a party," you know, maybe --
12 he said, "Maybe we should get out of here." And
13 then Kevin came back, we had a second drink, and
14 when that drink was finished we left.

15 Q. By the way, at that time what, if
16 anything, did you see Mr. Spacey drinking?

17 A. It appeared to be the same thing that
18 we were drinking.

19 Q. A mixed alcoholic cocktail?

20 A. Yeah. Again, I mean, I don't -- at the
21 time I had no real frame of reference to know what
22 it was, so I just figured it was a mixed drink.

23 Q. Do you know how many drinks Mr. Spacey
24 had?

25 A. I do not. You know, I know that my

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2 about the gay pornography on the television?

3 A. I don't remember him ever mentioning
4 it.

5 Q. When, if ever, had you watched gay
6 pornography at the age of 16?

7 A. I had not.

8 Q. How did you feel with that gay
9 pornography playing on the television?

10 A. Uncomfortable.

11 Q. Why?

12 A. Well, just because I think -- I don't
13 think I ever found myself in a social situation
14 where porn was being casually shown on television.
15 I never encountered that situation before, so
16 naturally I -- it was a little unnerving and, you
17 know, it entered my mind that perhaps there had been
18 some cues among adults that I may not have picked up
19 on, and, frankly, I thought that perhaps that I had,
20 you know, unintentionally sort of given the
21 impression that I was comfortable going into a
22 sexual situation, and at the time I thought, oh, you
23 know, I must have missed something here. I must
24 have given someone the wrong impression.

25 Q. You say that maybe you had given the

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2 Q. Over the course of the night --
3 Withdrawn.

4 Over the course of the night when, if
5 ever, did you change positions in the living room?

6 A. At one point my friend maybe went to
7 the bathroom or get a drink or something. Kevin and
8 I were sitting next to each other on the sofa at one
9 point.

10 Q. What, if anything, happened when you
11 and Mr. Spacey were sitting on the sofa?

12 A. Mostly chatting, and at one point his
13 hand was on my leg. You know, I thought it was
14 mildly uncomfortable. I did not, you know, feel
15 threatened, but I thought it was a kind of, you
16 know, probing of a sexual nature to see how
17 comfortable I was with that. I don't remember
18 really reacting in any way. I just kind of -- just
19 kind of froze, just sort of noticed it and continued
20 on.

21 Q. Why did you feel it was probing of a
22 sexual nature?

23 MR. SCOLNICK: Objection to form.

24 A. Well, given the situation, you know,
25 that my friend and I were at his house with the

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2 pornography playing on the TV, you know, I think,
3 you know, I interpreted it as just a -- you know, a
4 sort of gauging of how willing I was to, you know,
5 have any kind of intimacy or sexual contact.

6 Q. Where on your leg was his hand?

7 A. I'd say about two inches above my knee;
8 left knee.

9 Q. How long was his hand on your leg?

10 A. Maybe 30 to 45 seconds, it seemed like.

11 Q. How did it make you feel?

12 A. Uncomfortable, and also like -- like I
13 was -- like this was going to be disappointing,
14 like, I was going to sort of let someone down,
15 because I knew this was not really going anywhere.

16 Q. Explain what you mean by that?

17 A. Like I said, I mean, it felt like a,
18 you know, sort of probing of boundaries and, you
19 know, I -- I was not going to become involved in a
20 sexual situation at that point, so I kind of thought
21 if -- you know, if I didn't then this is going to be
22 disappointing to Kevin who had invited us and was
23 hosting us, and I thought, oh, we're just going
24 to -- we should probably just go.

25 MR. SCOLNICK: Objection to form as to

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2 where he said, "I think this is the party, we should
3 go," and we kind of agreed, okay, well, he's making
4 a drink let's have this drink and go.

5 Q. What, if anything, did Mr. Spacey say
6 when you went to leave?

7 A. I would characterize his response as,
8 you know, mild dismay, slight disappointment, like,
9 I think he said, "Oh, I thought we were going to
10 hang out." "I thought we were hanging out." You
11 know.

12 Q. So where did you go after Mr. Spacey's
13 home?

14 A. We just went back to where I was
15 staying with my friend.

16 Q. Did you ever speak to Mr. Spacey again?

17 A. I did not.

18 Q. Mr. Dawes, I want to show you a
19 photograph.

20 MR. SAGHIR: And I would just ask
21 Ms. Kornak, if she could bring it up please.

22 Q. Mr. Dawes, are you able to see that
23 photograph?

24 A. I am.

25 MR. SAGHIR: Chase, do you have it?

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2 A. Sure. It's the foundation of the U.S.
3 legal system.

4 Q. And you agree with that?

5 A. Hmm-hmm. Yes.

6 Q. How many drinks do you claim you had at
7 Mr. Fowler's apartment?

8 A. As I've stated earlier, we were given a
9 drink when we arrived. Those drinks were refreshed
10 one time, so a total of two drinks.

11 Q. And do you claim you finished the
12 second drink?

13 A. I don't recall.

14 Q. Do you remember what kind of drink it
15 was?

16 A. It was an alcohol mixed drink.

17 Q. And did you see Mr. Fowler drinking
18 that evening as well?

19 A. He was drinking what appeared to be the
20 same drink as my friend and I.

21 Q. And you claim you saw him drink two of
22 those drinks?

23 A. Correct.

24 Q. Did Mr. Saghir tell you whether he
25 contacted your friend?